UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.102
10 May 1999

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twentieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: YEMEN

1. The Committee considered the second periodic report of Yemen (CRC/C/70/Add.1) at its 523rd to 524th meetings (see CRC/C/SR.523-524), held on 25 January 1999, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report as well as the additional information requested by the Committee (see CRC/C/15/Add.47, para. 22), which reflect the commitment of the State party to promote and protect children's rights. Nevertheless, the Committee regrets that the report has not followed the guidelines for periodic reports and has not included information on follow-up measures to the Committee's recommendations on the initial report. The failure to submit written responses to the list of issues (CRC/C/Q/YEM/2) is also regretted. The Committee is encouraged by the dialogue with the State party's delegation. The Committee also acknowledges that the presence of a delegation directly involved in the implementation of the Convention enabled it better to assess the situation of the rights of the child in the State party.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee expresses its appreciation of the adoption of several initiatives such as the National Population Strategy (1990-2000), the Social Security Network and the Social Welfare Fund (1996), which aim at combating

---

* At the 531st meeting, held on 29 January 1999.

poverty and strengthening social programmes to counter the negative impact of economic reforms in the State party. This initiative reflects the Committee's recommendation (see CRC/C/15/Add.47, para. 20).

4. The Committee welcomes the State party's initiative to eliminate school fees for girls, as a measure to reduce traditional gender disparities in the educational system.

5. The Committee notes with appreciation the participation of non-governmental organizations in the elaboration of the State party's second periodic report and within the Higher Council for Mothers and Children, in line with a recommendation of the Committee (see CRC/C/15/Add.47, para. 18).

6. The Committee welcomes the fact that Yemen has become a State party to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction.

C. Factors and difficulties impeding further progress in the implementation of the Convention

7. The Committee notes that the State party is still facing serious political, economic and social challenges, such as its transition from a feudal to a modern society and the effects of its recent process of reunification, which affect the situation of children. It is also noted that the current presence within the territory of the State party of a large number of refugees from the Horn of Africa may still be negatively affecting the full implementation of the Convention in the State party.

8. The Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, continue to hamper further progress in the effective implementation of the provisions of the Convention, especially with regard to the girl child.

D. Principal subjects of concern and the Committee's recommendations

9. In accordance with its previous recommendation (see CRC/C/15/Add.47, para. 22), the Committee reiterates its concern at the fact that the State party's second periodic report (CRC/C/70/Add.1) has not been prepared according to the Committee's guidelines for periodic reports. The Committee recommends that the next periodic report of the State party be prepared in accordance with the Committee's guidelines as set out in document CRC/C/58. In this connection, the Committee suggests that the State party consider seeking technical assistance from the Office of the United Nations High Commissioner for Human Rights or UNICEF.

10. While the Committee takes note of the steps taken by the State party to review its legislation on children's rights, it reiterates its concern at the fact that the State party has not complied with the Committee's recommendations (see CRC/C/15/Add.47, para. 14) to ensure that domestic legislation is in full conformity with the principles and provisions of the Convention. The Committee recommends that the State party take all necessary measures in order to ensure that its legislation is in full conformity with

the principles and provisions of the Convention. The Committee also suggests that the State party consider the enactment of comprehensive legislation such as a children's rights code.

11. With reference to the Committee's recommendation (see CRC/C/15/Add.47, para. 18), the Committee takes note of the reactivation of the Higher Council for Maternal and Child Welfare and welcomes the willingness of Yemen's Prime Minister to head this Council. Nevertheless, the Committee is still concerned about the insufficiency of funding for the adequate functioning of the Council. The Committee remains concerned about the lack of adequate coordination between government institutions and bodies involved in the protection of children's rights, both at national and local levels. The Committee encourages the State party to take all necessary steps to strengthen the role of the Higher Council for Maternal and Child Welfare, at both central and local levels. In addition, the Committee reiterates its recommendation that the State party take further steps to strengthen coordination between the various government institutions and bodies involved in children's rights.

12. With regard to the Committee's recommendation (see CRC/C/15/Add.47, para. 19) concerning the need to develop indicators for monitoring the implementation of policies and programmes for children, the Committee remains concerned that disaggregated data and indicators for all areas covered by the Convention were not included in the periodic report. The Committee recommends that the State party continue reviewing and updating its data-collection system, with a view to including all the areas covered by the Convention. Such a system should include all children under 18 years of age, with specific emphasis on vulnerable groups of children. In this regard, the Committee encourages the State party to seek technical assistance from, inter alia, UNICEF.

13. While the Committee acknowledges the State party's efforts to disseminate information on the provisions of the Convention, it remains concerned about the limited impact of these measures. The Committee recommends that the State party take further measures, including through the media, to disseminate the Convention among the adult population, including professional groups and community, tribal and religious leaders, as well as among children. The Committee encourages the State party to continue working in this area in close partnership with non-governmental organizations and UNICEF.

14. With reference to the Committee's recommendation (see CRC/C/15/Add.47, para. 17), the Committee regrets the lack of information on the State party's measures to carry out training programmes for professional groups working with and for children. The Committee recommends that the State party take all necessary steps for the provision of sensitization programmes and training to all professional groups working with and for children, such as judges, lawyers, law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, psychologists and social workers.

15. With regard to the Committee's recommendation (see CRC/C/15/Add.47, para. 20), the Committee recognizes the numerous efforts undertaken by the State party in regard to the implementation of social programmes.

Nevertheless, it remains concerned that the adoption of structural adjustment programmes might have an adverse effect on the implementation of social programmes, especially those related to children. In the light of articles 2, 3 and 4 of the Convention, the Committee encourages the State party to continue undertaking all appropriate measures to the maximum extent of its available resources, including through international cooperation, to continue ensuring that sufficient budgetary allocations are provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. The Committee also recommends that the State party take into consideration a child rights component in designing its social policies and programmes.

16. The Committee remains concerned that the legal "ages of maturity", which refer to the criterion of puberty, set at 10 years for boys and at 9 years for girls, are too low. Concern is also expressed at the low age of criminal responsibility (7 years). Furthermore, the Committee reiterates its deep concern (see CRC/C/15/Add.47, para. 7) at the fact that the State party has lowered the minimum legal age for marriage of boys from 18 to 15, instead of increasing that for girls. The Committee recommends that the State party introduce adequate reforms into its legislation in order to raise the ages of maturity and criminal responsibility and the minimum legal age for marriage, with a view to bringing them into full conformity with the principles and provisions of the Convention. In this regard, the Committee encourages the State party to undertake awareness-raising campaigns regarding the harmful effects of early marriage.

17. With respect to the Committee's recommendation (see CRC/C/15/Add.47, para. 14), the Committee remains concerned that the State party does not appear to have fully taken into account the general principles of the Convention - articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child) - in its legislation, administrative and judicial decisions, and in its policies and programmes relevant to children. The Committee reiterates its recommendation that further efforts must be undertaken to ensure that the general principles of the Convention are reflected in the legislation, guide policy discussions, and are appropriately integrated into any judicial and administrative decisions, as well as into the development and implementation of all projects, programmes and services which have an impact on children.

18. With regard to the implementation of article 2 of the Convention, the Committee expresses its concern about the persistent disparities between the northern and southern regions of the State party as well as between urban and rural areas. Furthermore, the Committee remains concerned (see CRC/C/15/Add. 47, paras. 8 and 9) about the occurrence of discrimination affecting girls, children with disabilities, children born out of wedlock, refugee children, Akhdam children and children belonging to nomadic groups. The Committee reiterates its recommendation to the State party to continue taking measures to reduce economic, social and geographical disparities, including between rural and urban areas, and to prevent discrimination against the most disadvantaged groups of children.

19. The Committee is still concerned (see CRC/C/15/Add. 47, para. 6) that the participatory rights of children, as enshrined in the Convention, are not

taken into account by the society at large, especially with regard to freedom of expression (art. 13), freedom of thought, conscience and religion (art. 14), freedom of association and peaceful assembly (art.15). The Committee recommends that the State party should further develop a systematic approach to increasing public awareness, including through the media, of the participatory rights of children, in order to make these rights and their implications fully understood by the population at large.

20. The Committee expresses its concern at the insufficient measures undertaken by the State party in the area of birth registration, and at the lack of awareness of registration procedures, especially in rural areas. In the light of article 7 of the Convention, the Committee recommends that the State party take all available measures to ensure the immediate registration of the birth of all children. The Committee encourages the State party to ensure that birth registration procedures are made widely known and are understood by the population at large. Furthermore, the Committee wishes to call the attention of the State party to the serious implications of the absence of a birth certificate, which can result in the sentencing of a child to the death penalty or preclude his or her access to health services.

21. Although the Committee is aware that ill-treatment of children is prohibited by law, it remains concerned that the use of corporal punishment by parents is widely regarded to be acceptable. The Committee recommends that the State party reinforce measures to raise awareness on the negative effects of corporal punishment and ensure that discipline in schools, families and all institutions is administered in a manner consistent with the child's dignity, in the light of articles 3, 12, 19 and 28 of the Convention. The Committee further suggests that the State party ensure that alternative disciplinary measures are developed within the family and in schools and other institutions.

22. The Committee expresses its concern at the lack of information on the implementation of the Committee's recommendation with regard to enhancing the role of the family in the promotion of children's rights (see CRC/C/15/Add.47, para. 16). The Committee reiterates its recommendation that the State party pay special attention to enhancing the role of the family in the promotion of children's rights, and stresses the importance of the status of women in family and social life. In this regard, the Committee recognizes the importance of developing family counselling services, in both urban and rural areas.

23. Although the Committee is aware of the long tradition of in-community care for children deprived of a family environment, it expresses its concern at the insufficient number of care centres for abandoned boys and the absence of facilities for abandoned girls. The Committee recommends that the State party take all available measures to establish alternative care centres for abandoned girls and/or establish alternatives to institutionalizing children (for example, foster families, adoption, kafalah). The Committee further recommends that the State party undertake follow-up measures and institute a monitoring and evaluation system to ensure the adequate development of this group of children.

24. While the Committee notes with appreciation the State party's efforts to combat infant and child mortality, it is still concerned about the prevalence of malnutrition, as well as the limited access to health services in rural areas. The persistence of health problems related to insufficient access to safe water and sanitation are also matters of concern. Furthermore, the Committee is particularly concerned about the high rate of maternal mortality due to the fact that the majority of births take place in the absence of appropriate medical care, as well as the limited access of women to appropriate health services and education, especially in rural areas. The Committee suggests that the State party allocate appropriate resources and consider seeking technical assistance, when needed, to reinforce its efforts to make basic health care accessible to all children. In particular, concerted efforts are needed to combat malnutrition and ensure the adoption and implementation of a national nutritional policy for children. International cooperation for the establishment of programmes such as the WHO/UNICEF Integrated Management of Childhood Illness programme is recommended. In addition, the Committee recommends that the State party strengthen its efforts in the provision of user-friendly health-care facilities for women (antenatal, maternal and perinatal care) and adequate training for health workers (for example, midwives), especially in rural and remote areas.

25. With regard to adolescent health, the Committee is particularly concerned at the high and increasing rate of teenage pregnancy and the insufficient access to reproductive health education and counselling services for teenagers, including outside schools. The Committee is also concerned at the lack of preventive measures, including information campaigns, regarding sexually transmitted diseases (STDs) and HIV/AIDS. The Committee recommends that the State party promote adolescent health policies and the strengthening of reproductive health education and counselling services. The Committee also recommends that further efforts be undertaken for the development of child-friendly counselling services, as well as care and rehabilitation facilities for adolescents. Furthermore, the Committee recommends that the State party, inter alia, undertake awareness-raising campaigns to prevent and combat the spread of STDs and HIV/AIDS and to establish health facilities and programmes for the care of children infected or affected by HIV/AIDS (see also the Committee's recommendations on children living in a world with HIV/AIDS, CRC/C/80).

26. The Committee is concerned about the practice of female genital mutilation and other harmful traditional practices affecting the health of the girl child in some regions of the State party. The Committee wishes to endorse the recommendation made by the Human Rights Committee in 1995 (see A/50/40, para. 261) that the State party conduct a study on the practice of female genital mutilation and other harmful traditional practices and formulate specific plans to prevent, combat and eradicate this practice.

27. The Committee expresses its concern at the high rate of disability in children in the State party and at the lack of infrastructure, limited qualified staff, and specialized care and rehabilitation facilities to address their needs. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early

identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination against them, establish special education programmes and centres, and encourage their inclusion in society.

28. With regard to the educational system, the Committee remains concerned at the persistence of high school drop-out, repetition, absenteeism and illiteracy rates as well as the low enrolment rate and limited access to education in rural and remote areas. Concern is also expressed at the shortage of trained teachers, insufficient school infrastructure, lack of basic equipment, outdated school curricula and gender and geographical disparities in school attendance. In the light of articles 28 and 29 of the Convention, the Committee recommends that the State party undertake all appropriate measures to, inter alia, improve the school infrastructure and update its equipment; to accelerate the implementation of the compulsory education system; to improve access to education for boys and girls, including those in the most vulnerable groups; to strengthen training programmes for teaching personnel. The Committee encourages the State party to seek, to this effect, international cooperation from, inter alia, UNESCO and UNICEF.

29. The Committee regrets the lack of information on the implementation of the Committee's recommendation (see CRC/C/15/Add.47, para. 17) regarding the need to incorporate the Convention and the teaching of human rights in the school curricula. The Committee reiterates its recommendation that the State party give attention to incorporating the Convention and the teaching of human rights in school curricula, especially within the framework of the United Nations Decade for Human Rights Education.

30. While the Committee welcomes the State party's openness to hosting refugees from the Horn of Africa, it expresses its concern at the limited capacity of the State party to protect and guarantee the rights of unaccompanied and refugee children. With respect to the Committee's recommendation (see CRC/C/15/Add.47, para. 21), the Committee remains concerned at the lack of information on the number of asylum-seeking and refugee children. In the light of article 22 of the Convention, the Committee reiterates its recommendation that the State party ensure adequate legal protection to refugee children, including the guarantee of their physical safety and access to health and education. In this connection, the Committee suggests that the State party consider seeking technical assistance from, inter alia, UNHCR.

31. In the light of articles 38 and 39 of the Convention, the Committee is concerned about the situation of children affected by the recent armed conflicts in the State party and in neighbouring countries. Concern is also expressed about the presence of landmines in the State party, which threatens the lives of children. The Committee recommends that the State party take all appropriate measures for the protection of children affected by armed conflicts, including their physical and psychological rehabilitation and social reintegration. The Committee recommends that the State party take all necessary measures, especially awareness-raising programmes on landmines for the population at large, including children. In this regard, the Committee encourages the State party to consider seeking international cooperation.

32. While the Committee takes note of the measures taken by the State party in the field of child labour, it remains concerned about their limited impact, including on the situation of child beggars (see CRC/C/15/Add.47, para. 21), and at the lack of adequate monitoring mechanisms. Furthermore, the Committee reiterates its concern for children living and/or working on the streets, who require special attention because of the risks they are exposed to. The Committee recommends that the State party review its legislation and practice in order to protect children from being economically exploited. Labour inspectorates should be strengthened and penalties imposed in cases of violation. It is suggested that the State party consider ratifying ILO Convention (No. 138) concerning Minimum Age for Admission to Employment. The Committee further recommends that the State party undertake research on the issue of children living and/or working on the streets, with a view to adopting a national policy for the protection and rehabilitation of these children.

33. Although the Committee welcomes the State party's willingness to carry out research on the issue of sexual exploitation of children, it is concerned at the absence of knowledge, data and a comprehensive study on this issue. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children. It also recommends that the State party review and reinforce its legislative framework to protect fully all children under 18 years of age from all forms of sexual abuse and exploitation, including within the family. The Committee further recommends that the State party use as a reference framework the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

34. While noting that the State party has in place domestic legislation relating to juvenile justice, the Committee remains concerned at the general situation of the administration of juvenile justice and in particular its compatibility with the Convention, as well as with other relevant United Nations standards. The Committee is especially concerned about the lack of detention centres for female juvenile offenders; the use of detention other than as a measure of last resort; the poor living conditions in detention centres; the use of physical punishment, including flogging, and torture in detention centres; the lack of rehabilitation measures and educational facilities for juvenile offenders; and the placement of "potential delinquents" in detention centres instead of care institutions for their rehabilitation. Furthermore, the Committee considers that the age of criminal responsibility, set at 7 years, is too low. The Committee reiterates its recommendation (see CRC/C/15/Add.47, para. 21) that the State party take all measures to review its legislation in order to reflect fully the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Training programmes on relevant international standards should be organized for all professionals working in the system of juvenile justice. The Committee recommends that the State party consider seeking technical assistance from, inter alia, the Office of the

United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.

35. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.